

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

977 WRIT PETITION NO.8396 OF 2022

**RAJKUMAR BAPURAO YADAV
VERSUS
DIVISIONAL COMMISSIONER OFFICE REVENUE AND OTHERS**

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Advocate for Petitioner : Mr.Munde Sambhaji G.
AGP for Respondent No. 1-State : Mr.K.N.Lokhande
Advocate for Respondent Nos. 2 to 5 : Mr. C.V.Patil h/f Mr.Bondar
Uttam Bajirao & Mr. Tandale Pradeepkumar R.

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**CORAM : SANDEEP V. MARNE, J.
DATE : 13.10.2022.**

PER COURT :

1. By this petition, the petitioner challenges the communication dated 19.04.2022 of the Additional Divisional Commissioner, Aurangabad by which the petitioner's appeal challenging the decision of the Chief Executive Officer, Zilla Parishad, Latur dated 12.12.2007 has not been entertained on the ground of inordinate delay.

2. The disciplinary proceedings were initiated against the petitioner under the provisions of the Maharashtra Zilla Parishad District Services (Discipline & Appeal) Rules, 1964 which culminated in penalty order dated 12.12.2007 passed by the Chief Executive Officer Zilla Parishad, Latur by which the penalty of reduction of lesser stage in the current pay scale without cumulative effect was imposed on the petitioner. He did not file any appeal against that

order, on account of which the same attained finality.

3. The petitioner started making correspondence about the penalty by his letter dated 30.09.2020 and filed appeal on 22.11.2021 before the Divisional Commissioner, Aurangabad. The same has been turned down on the ground of delay.

4. Mr. Munde, learned Counsel appearing for the petitioner submits that the petitioner was not aware about the passing of the penalty order dated 12.12.2017. This contention is stated only to be rejected. The petitioner must have notice of reduction of his pay consequent to imposition of penalty in the year 2007 itself and therefore the pretext of ignorance of penalty order, now sought to be raised by him cannot be countenanced.

5. The penalty attained finality about 15 years ago and cannot be disturbed by filing belated appeal. The Divisional Commissioner, in my opinion, has rightly rejected the petitioner's appeal on the ground of delay. The petition is devoid of merits and the same is dismissed without any orders as to the costs.

(SANDEEP V. MARNE)
JUDGE

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